

**THE UNITED STATES DISTRICT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|--------------------------------|---|-------------------------------------|
| CRAIGVILLE TELEPHONE CO. d/b/a |) | |
| ADAMSWELLS; and CONSOLIDATED |) | |
| TELEPHONE COMPANY d/b/a CTC |) | |
| |) | |
| Plaintiffs, |) | No. 1:19-cv-07190 |
| |) | |
| vs. |) | Judge John Z. Lee |
| |) | Magistrate Judge Jeffrey T. Gilbert |
| T-MOBILE USA, INC.; and |) | |
| INTELIQUENT, INC. |) | |
| |) | |
| Defendants. |) | |

JOINT STATUS REPORT

Plaintiffs, Craigville Telephone Co. d/b/a AdamsWells (“AdamsWells”) and Consolidated Telephone Company d/b/a CTC (“CTC”), on behalf of themselves and a class of similarly-situated companies (“Plaintiffs”), Defendant T-Mobile USA, Inc. (“T-Mobile”), and non-party Wilkinson Barker Knauer LLP (“WBK”) (collectively, the “Parties”), pursuant to this Court’s September 15, 2021 Order (ECF 157), hereby submit this Joint Status Report concerning the status of Plaintiffs’ Motion to Compel WBK, in Case No. 21-cv-4569 (N.D. Ill.), following recent discovery rulings issued by this Court.

A. Plaintiffs’ Position

The Court should continue to hold Plaintiffs’ Motion to Compel WBK in abeyance until the October 14, 2021 discovery status hearing. Plaintiffs have not yet been in a position to conduct a meaningful meet and confer with WBK regarding whether, and to what extent, the document production T-Mobile advised the Court it would make after entry of a protective order may assist with narrowing the matters at issue in Plaintiffs’ Motion, for the reasons set forth below.

T-Mobile made its first production of documents via secure link on Thursday, September 23, 2021, at 9:50 p.m. On Friday September 24, 2021, Plaintiffs began the process of uploading, processing, and making T-Mobile's production available to review to determine whether T-Mobile's production may resolve some of the areas of disagreement between Plaintiffs and WBK. In particular, the WBK Subpoena seeks all of WBK's versions of non-privileged documents regarding the FCC's investigation and the Consent Decree, including unredacted copies of documents Plaintiffs previously received from the FCC that were heavily redacted. As of the due date for Plaintiffs' draft of this Joint Status Report to be shared with Defendants and WBK, Plaintiffs have not had sufficient time to fully analyze T-Mobile's production and in turn meet and confer with WBK regarding categories that may remain in dispute, or with T-Mobile concerning the sufficiency of its production. Upon initial review, however, it appears that some of the documents T-Mobile produced related to the FCC investigation remain partially redacted without explanation or a protective order entitling T-Mobile to redact any responsive information; therefore, Plaintiffs contemplate a meet and confer with T-Mobile to discuss it correcting its production to include fully unredacted documents will be necessary prior to any additional WBK negotiations being productive.

Accordingly, Plaintiffs recommend that the Court hold the Motion to Compel in abeyance until the next telephone status hearing regarding discovery scheduled for October 14, 2021 at 10:00 a.m., to permit Plaintiffs additional time to complete their review of T-Mobile's production and complete the meet and confer process with both T-Mobile and WBK in an effort to narrow any remaining disputes.

Plaintiffs reserve their rights to request Court resolution of their Motion to Compel against WBK in the event the disputes cannot be narrowed prior to the October 14, 2021 discovery hearing.

B. WBK's Position

WBK does not object to the Court holding in abeyance the Motion to Compel Compliance with Subpoena ("Motion") until, at minimum, the next discovery status hearing scheduled for October 14, 2021. Because the parties to the main case now are addressing their discovery disputes and because the subpoena requests to non-party WBK are cumulative of Plaintiffs' discovery requests to party Defendant T-Mobile, when and if the Court considers the Motion, it should deny the Motion for the reasons stated in WBK's Memorandum in Opposition to the Motion.

C. T-Mobile's Position

T-Mobile does not oppose holding Plaintiffs' Motion to Compel in abeyance until at least October 14, 2021. T-Mobile agrees with WBK that, when considered, the motion should be denied for substantially the reasons stated in WBK's Memorandum in Opposition. T-Mobile has responded to Plaintiffs' inquiries concerning redactions in its September 23, 2021 production and has offered to meet and confer with Plaintiffs about any specific redactions, but any related issues are not ripe for the Court's attention.

Submitted on this 30th day of September 2021.

/s/ David T.B. Audley
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